## In the Supreme Court of the State of Idaho

IN RE: AMENDMENT OF IDAHO RULE OF FAMILY LAW PROCEDURE	)	ORDER AMENDING RULES	
711	)		

The Court having reviewed a recommendation to amend Idaho Rule of Family Law Procedure 711, and the Court being fully informed;

NOW, THEREFORE, IT IS HEREBY ORDERED that Idaho Rule of Family Law Procedure 711, as it appears in the volume published by the Idaho Code Commission, be, and is hereby, amended as follows:

Rule 711. Subpoenas.

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F. Service of subpoena. A subpoena may be served by an officer authorized by law to serve process or by any other person who is not a party and is not less than eighteen (18) years of age. Service of a subpoena upon a person named therein shall be made by delivering a copy thereof to such person and by giving or offering to the person at the same time, if demanded, the fees for one (1) day's attendance and the mileage allowed by law, except that no prepayment tender of fees and mileage shall be necessary to witnesses subpoenaed by the attorney general or any prosecuting attorney on behalf of the state. Service of a subpoena upon a party to a legal action or proceeding can be made by service on the attorney of record for that party in such legal action or proceeding as provided in Rule 205 for attendance at a hearing or trial with or without the production of documents or other objects. No prepayment tender of fees and mileage shall be necessary to that party, but the court in its discretion may, upon a hearing held thereon at any time after service on that party's attorney, determine under all of the circumstances then existing, the reasonable amount of such fees and mileage to be paid, if any, to that party. When the subpoena is issued on behalf of the state or an officer or agency thereof, fees and mileage need not be tendered. When service is by an officer it must be returned with the officer's certificate of service, and when served by any other person it must be returned with an affidavit of such person of its service.

IT IS FURTHER ORDERED, that this order and these amendments shall be effective July 1, 2015.

IT IS FURTHER ORDERED, that the above designation of the striking of words from the Rules by lining through them, and the designation of the addition of new portions of the Rules by underlining such new portion is for the purposes of information only as amended, and NO OTHER AMENDMENTS ARE INTENDED. The lining through and underlining shall not be considered a part of the permanent Idaho Rules of Family Law Procedure.

IT IS FURTHER ORDERED, that the Clerk of the Court shall cause notice of this Order to be published in one issue of *The Advocate*.

DATED this 20 day of May, 2015.

By Order of the Supreme Court

Roger S. Burdick, Chief Justice

ATTEST: See See Summer

I, Stephen W. Kenyon, Clerk of the Supreme Court of the State of Idaho, do hereby certify that the above is a true and correct copy of the entered in the above entitled cause and now on record in my office.

WITNESS my hand and the Seal of this Court

STEPHEN W. KENYON

Clark

By: Chief Deputy